

Appl. No. 09/314,615
Reply to Office Action of January 16, 2003

REMARKS/ARGUMENTS

Claims 1, 3-14, 16-21 are pending in the application. In a sincere effort to expedite prosecution, Applicant canceled claims 2 and 15, but reserves all right to pursue claims of the original or different scope in a continuation application. In light of the following remarks, Applicant believes all the pending claims are now in condition for allowance.

The § 102(b) Rejection of Claims 1 and 14

Claims 1 and 14 were rejected under 35 USC § 102(a) as allegedly being anticipated by U.S. Patent No. 5,400,393, issued March 21, 1995 to Knuth et al. (hereinafter "Knuth"). Applicant amended claims 1 and 14 to include features of dependent claims 2 and 15, respectively. Accordingly, this rejection has been rendered moot.

The § 103(a) Rejection of Claims 1-21

Claims 1-21 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,822,406, issued October 13, 1998 to Brown in view of Knuth. Accordingly, it is being asserted that these two references, if combined, disclose or suggest all the features of the claims. For the following reasons, Applicant respectfully traverses the rejection.

Applicant appreciates the Examiner's courtesy in discussing the subject application in a telephone interview on January 12, 2004. The claims and cited art were discussed. Although no agreement was reached, it was very beneficial in helping the Applicant understand the outstanding issues.

As acknowledged in the Office Action, Brown does not disclose a transducer switch that detects an off hook condition and switches transducers as recited in, for example, claim 1. However, the Office Action is citing the LPOHD (local phone off-hook detect) signal from local telephone 201. A closer review of the reference reveals that the reference discloses that the LPOHD is monitored for functions such as interfacing with the modem (see, e.g., col 9, lines 13-20), not for switching with other transducers.

The subject invention is relating to switching between transducers and the local telephone 201 disclosed in Brown is not configured to be switchable with other transducers. Brown discloses switching between transducers, but these transducers do include local telephone 201. Referring to FIG. 2 of Brown, the switchable audio

Appl. No. 09/314,615
Reply to Office Action of January 16, 2003

transducers are an on-board speaker 219, external speaker 220, headset 223, handset 226, and microphone 227. As disclosed in the reference, handset 226 can be from a standard telephone (see, e.g., col. 6, line 16-17).

Initially, none of the transducers including on-board speaker 219, external speaker 220, headset 223, handset 226, and microphone 227 are disclosed in Brown to be off-hook devices. Thus, Brown does not disclose switching to one of them when an off-hook condition is detected from it as recited in claim 1.

If one were to argue that handset 226 could be replaced with a standard telephone, such as similar to local telephone 201, Brown would still teach away from detecting an off-hook condition. Brown explicitly states as follows:

It should be noted that whenever headset 223 and microphone 227 are plugged into the computer system, the plug switches 222 and 225 will automatically disable handset 226.

(col. 6, lines 27-30; emphasis supplied). Thus, Brown specifically discloses that headset 223 and microphone 227 will take precedence over another transducer that could fulfill the same function.

The Office Action has alleged that one could combine the standard speaker phone shown in FIG. 3 of Knuth in order to modify Brown in order to switch between transducers when an off-hook condition is detected. There are a number of problems with this assertion.

First, the LPOHD signal in Brown that is cited is from local telephone 201. As shown above, local telephone 201 is not switched between the other transducers. FIG. 2, for example, shows that local telephone 201 is not switchable with the other transducers such as on-board speaker 219, external speaker 220, headset 223, handset 226, and microphone 227. Thus, it is not true that one would read Brown and feel that monitoring the LPOHD signal from local phone 201 to switch transducers as shown in Knuth would be beneficial.

Second, if one argued that handset 226 could be replaced with an off-hook capable device such as local telephone 201 or the speakerphone cited in Knuth. Monitoring the LPOHD signal of this device would go against the explicit teaching of Brown because as the quote above shows, the reference teaches that the handset 226 is automatically disabled in favor of headset 223 and microphone 227.

In summary, even if Brown and Knuth are combined as alleged, the combination does not disclose all the features of claim 1 so a prima facie case of obviousness has not

Appl. No. 09/314,615
Reply to Office Action of January 16, 2003

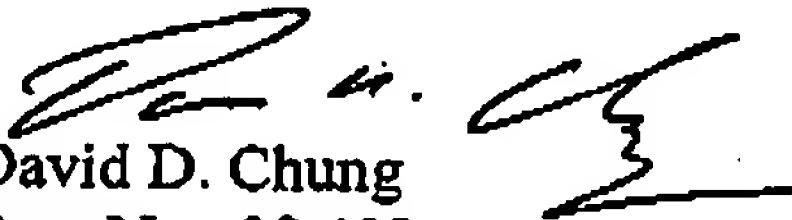
been established. All the pending claims include similar features so each pending claim is patentably distinct for at least the same reasons.

Appl. No. 09/314,615
Reply to Office Action of January 16, 2003

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 694-5339.

Respectfully submitted,


David D. Chung
Reg. No. 38,409

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830